IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33783 of 2008
VIKASH SINGH @ VIKASH
Versus
STATE OF BIHAR
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2 **26.08.2008** Heard learned counsel for the petitioner, the State and the counsel appearing for the complainant, who has appeared on his own by filing Vakalatnama.

Petitioner is an accused in a case registered for the offences under Sections 498A of the Indian Penal Code and section 3/ 4 of the Dowry Prohibition Act.

It has been submitted on behalf of the petitioner that a case for divorce was filed on 4.10.2007 in the Family Court, Kaimur at Bhabhua vide Case No. 82 of 2007 (Annexure-2) on the ground that the complainant belongs to a very well of family whereas the petitioner is a man of middle income group, and as such, the complainant is not prepared to live with the petitioner and she used to behave in cruel manner. It is further submitted that in the divorce case notice was served on the complainant as would appear from the service report contained in Annexure-3.

Learned counsel for the complainant, on the other hand, submits that it is on account of the behaviour of the petitioner, who is having affair with another lady, besides the torture by the petitioner and

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other family members as detailed in the complaint on account of which she had to leave the matrimonial house. As regards the divorce case, it is submitted that the complainant is not aware of the same and the alleged service report is a collusive one.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Vikash Singh @ Vikash be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhabhua in connection with Bhabua P.S.Case No. 85 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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**Manish/-** **( Shailesh Kumar Sinha,J.)**